

Attorney Docket No.: 00939A-085100US

PTO FAX NO.: 1-703-872-9317

ATTENTION: Customer Service Center
Initial Patent Examination Division

Art Unit 2818

OFFICIAL COMMUNICATION

RESPONSE TO NOTICE TO FILE MISSING PARTS OF

NONPROVISIONAL APPLICATION

FOR ENTRY IN APPLICATION NO. 09/927,303

FILED AUGUST 10, 2001

CERTIFICATE OF FACSIMILE TRANSMISSION

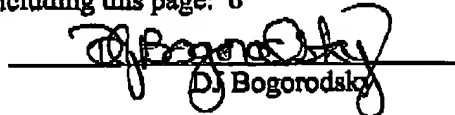
I hereby certify that the following documents in re Application of Peter Rabkin et al., Application No. 09/927,303, filed August 10, 2001 for PROCESSES AND STRUCTURES FOR SELF-ALIGNED CONTACT NON-VOLATILE MEMORY WITH PERIPHERAL TRANSISTORS EASILY MODIFIABLE FOR VARIOUS TECHNOLOGIES AND APPLICATIONS is being facsimile transmitted to the Patent and Trademark Office on the date shown below. Due to the recent disturbance with the US mail, the attached documents are being filed via facsimile. All original, executed documents are retained in our files. All original, executed documents will be submitted for review upon request by the Examiner.

Documents Attached

1. Transmittal Form (1 page)
2. Fee Transmittal (1 page submitted in duplicate, for 2 pages total)
3. Copy of Notice to File Missing Parts of Nonprovisional Application (1 page)
4. Executed Declaration (1 page)

Number of pages being transmitted, including this page: 6

Dated: November 15, 2001


D. J. Bogorodsky

PLEASE CONFIRM RECEIPT OF THIS PAPER BY RETURN FACSIMILE AT 650-326-2422

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834
Telephone: 650-326-2400 Fax: 650-326-2422

PA 3184001 v1

PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box → ☒

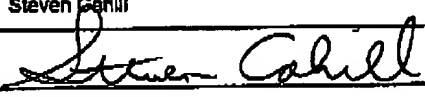
Approved for use through 10/31/2002. OMB 0851-0031

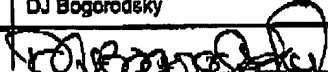
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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| | | | |
|---|----------------------|------------------------|-----------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 09/927,303 | |
| | Filing Date | August 10, 2001 | |
| | First Named Inventor | Rabkin, Peter | |
| | Group Art Unit | 2818 | |
| | Examiner Name | Unassigned | |
| Total Number of Pages in This Submission | 6 | Attorney Docket Number | 00939A-085100US |

| ENCLOSURES (check all that apply) | | |
|--|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input checked="" type="checkbox"/> Executed declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/89) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Facsimile coversheet |
| Remarks | | The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | |
|--|---|--|
| Firm and Individual name | Townsend and Townsend and Crew LLP Steven Cahill Reg. No. 44,578 | |
| Signature |  | |
| Date | November 15, 2001 | |

| CERTIFICATE OF MAILING | | |
|--|---|------------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Fax No. (703) 872-9317 on November 15, 2001 | | |
| Typed or printed name | DJ Bogorodsky | |
| Signature |  | Date November 15, 2001 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. PA 3184007 v1

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**FEE TRANSMITTAL
for FY 2001**

Patent fees are subject to annual revision.

Complete If Known

| | |
|----------------------|-----------------|
| Application Number | 09/927,303 |
| Filing Date | August 10, 2001 |
| First Named Inventor | Rabkin, Peter |
| Examiner Name | Unassigned |
| Group Art Unit | 2818 |
| Attorney Docket No. | D0889A-085100US |

TOTAL AMOUNT OF PAYMENT (\$) 130

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number: **20-1430**

Deposit Account Name: **Townsend and Townsend and Crew LLP**

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|------------------------|----------|
| 101 | 740 | 201 | 370 | Utility filing fee | |
| 106 | 330 | 206 | 165 | Design filing fee | |
| 107 | 510 | 207 | 255 | Plant filing fee | |
| 108 | 740 | 208 | 370 | Release filing fee | |
| 114 | 160 | 214 | 80 | Provisional filing fee | |
| SUBTOTAL (1) | | | | | (\$) |

2. EXTRA CLAIM FEES

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|---------------------------|--------------|----------------|----------|
| Independent Claims | -20** | X | |
| Multiple Dependent Claims | -3** | X | |

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|--|----------|
| 103 | 16 | 203 | 8 | Claims in excess of 20 | |
| 102 | 84 | 202 | 42 | Independent claims in excess of 8 | |
| 104 | 280 | 204 | 140 | Multiple dependent claim, if not paid | |
| 106 | 84 | 206 | 42 | ** Release independent claims over original patent | |
| 110 | 16 | 210 | 8 | ** Release claims in excess of 20 and over original patent | |
| SUBTOTAL (2) | | | | | (\$) |

**or number previously paid, if greater; For Releases, see above

FEE CALCULATION (continued)

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|--|-----------------|----------------|-----------------|--|----------|
| 105 | 180 | 205 | 90 | Surcharge - late filing fee or oath | 130 |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,320 | 147 | 2,320 | For filing a request for reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 118 | 1,840* | 118 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 400 | 216 | 200 | Extension for reply within second month | |
| 117 | 920 | 217 | 460 | Extension for reply within third month | |
| 118 | 1,440 | 218 | 720 | Extension for reply within fourth month | |
| 128 | 1,960 | 228 | 880 | Extension for reply within fifth month | |
| 119 | 320 | 219 | 160 | Notice of Appeal | |
| 120 | 320 | 220 | 160 | Filing a brief in support of an appeal | |
| 121 | 280 | 221 | 140 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,280 | 241 | 640 | Petition to revive - unintentional | |
| 142 | 1,280 | 242 | 640 | Utility issue fee (or release) | |
| 143 | 480 | 243 | 240 | Design issue fee | |
| 144 | 620 | 244 | 310 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 183 | 50 | 123 | 50 | Petitions related to provisional applications | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Sheet | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | |
| 146 | 740 | 546 | 370 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 740 | 249 | 370 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 740 | 279 | 370 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |
| Other fee (specify) | | | | | |
| The Commissioner is authorized to charge any additional fees to the above noted Deposit Account. | | | | | |
| *Reduced by Basic Filing Fee Paid | | | | | |
| SUBTOTAL (3) | | | | | (\$)130 |

SUBMITTED BY

Complete (if applicable)

| | | | | | |
|-------------------|--------------|-----------------------------------|--------|-----------|-------------------|
| Name (Print/Type) | Steven Qhill | Registration No. (Attorney/Agent) | 44,578 | Telephone | 650-325-2400 |
| Signature | | | | Date | November 15, 2001 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-8038.

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/927,303 | 08/10/2001 | Peter Rabkin | 00939A-085100US |

20350
TOWNSEND AND TOWNSEND AND CREW
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

CONFIRMATION NO. 4969

FORMALITIES LETTER

0000000008561120

Date Mailed: 09/17/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

11/30/2001 SMINASS1 00000005 201430 09927303

01 FC:105 130.00 CH

PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box → ☒

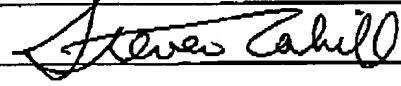
Approved for use through 10/31/2002. OMB 0651-0031

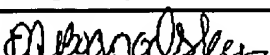
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| | Filing Date | August 10, 2001 | |
| | First Named Inventor | Rabkin, Peter | |
| | Group Art Unit | 2818 | |
| | Examiner Name | Unassigned | |
| Total Number of Pages in This Submission | 4 | Attorney Docket Number | 00939A-085100US |

| ENCLOSURES (check all that apply) | | |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Executed Power of Attorney (1 pg) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Executed Statement under 37 CFR 3.73(b) (1 pg) Facsimile coversheet (1 pg) |
| Remarks | | The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. |
| | | FAX COPY RECEIVED SEP 24 2002 |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | TECHNOLOGY CENTER 2800 |
|--|---|------------------------|
| Firm and Individual name | Townsend and Townsend and Crew LLP Steven Cahill | Reg. No. 44,578 |
| Signature |  | |
| Date | September 24, 2002 | |

| CERTIFICATE OF MAILING | | |
|---|---|-------------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Fax No. (703) 872-9318 on September 24, 2002 | | |
| Typed or printed name | DJ Bogorodsky | |
| Signature |  | Date September 24, 2002 |

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#5 Power of Attorney
11.8.02
C. Moore

Attorney Docket Number: 00939A-085100US

PTO FAX NO.: 1-703-872-9318
ATTENTION: Examiner - Unassigned

Group Art Unit 2818

**POWER OF ATTORNEY AND
STATEMENT UNDER 3.73(b)**

**FOR ENTRY IN APPLICATION NO. 09/927,303
FILED AUGUST 10, 2001**

FAX COPY RECEIVED

SEP 24 2002

TECHNOLOGY CENTER 2800

CERTIFICATE OF FACSIMILE TRANSMISSION

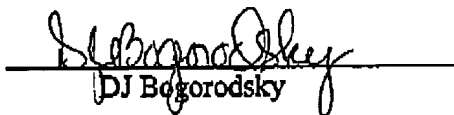
I certify that the following documents regarding application number 09/927,303, filed August 10, 2001, titled
PROCESS AND STRUCTURES FOR SELF-ALIGNED CONTACT NON-VOLATILE MEMORY WITH
PERIPHERAL TRANSISTORS EASILY MODIFIABLE FOR VARIOUS TECHNOLOGIES AND
APPLICATIONS, by Peter Rabkin et al., are being facsimile transmitted to the Patent and Trademark Office
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Documents Attached

1. Transmittal Form (1 page)
2. Executed Power of Attorney (1 page)
3. Executed Statement under 3.73(b) (1 page)

Number of pages being transmitted, including this page: 4

Dated: September 24, 2002


DJ Bogorodsky

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834
Telephone: 650-326-2400 Fax: 650-326-2422

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